



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/810,992	03/16/2001	William Philip Shaouy	RSW920010028US1	7307
7590 10/26/2009				
Andrew M Calderon GREENBLUM AND BERNSTEIN PLC 1950 Roland Clarke Place Reston, VA 20191				
EXAMINER				
KE, PENG				
ART UNIT		PAPER NUMBER		
2174				
MAIL DATE		DELIVERY MODE		
10/26/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/810,992

Applicant(s)

SHAOUY ET AL.

Examiner

SIMON KE

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-25 and 27-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-25, and 27-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/02)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This action is responsive to communications: Amendment, filed on 6/18/09.

Claims 21-25, and 27-44 are pending in this application. Claims 21, 29, and 35 are independent claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 21, 24, 28-30, 33, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kadowaki US Patent 6,313,921 and Forecast Pro further in view of Perkins US 7,072,888

A per claim 21, Kadowaki teaches a method for tailoring information to characteristics of an information user, comprising:

passing a request object containing at least one profile element to an arbiter; (see Kadowaki; column 18, lines 38-61; The examiner interprets the printer controller as an arbiter because it directs personalization information to a personalization server);

actively selecting a personalization engine from a plurality of personalization engines by the arbiter, wherein the plurality of personalization engines are a collaborative filtering engine that provides an optimal performance when information is known about a group of users, (see Kadowaki col. (see Kadowaki, col. 13, lines 35-col. 14,

Art Unit: 2174

lines 7) the predictive-modeling personalization engine provides an optimal performance when a user is unknown (see Kadowaki, col. 11, lines 25-50, unknown user's default setting is the predictive-modeling) and the business-rules engine provides an optimal performance when the personalization engine needs to change in response to one or more changing circumstance (Kadowaki, col. 13, lines 40-10; selection between personal information and common information is optimization; column 15, lines 41-45; the printer controller, which is a part of the a personalizing server, correlates the user ID information with the personalizing information from a plurality of the personalizing information);

accessing a content database to retrieve a personalized content object identified by the personalization engine selected by the arbiter; (see Kadowaki, column 18, lines 63-67 and column 19, lines 1; it is inherent that the personalization server must store and manage the personalized information in a database if it is to extract said information for a particular user) and

passing with the arbiter the personalized content object to an application program, (see Kadowaki, column 19, lines 1-3; The personal server and the controller, which are application programs, passes the user personalization information to each other)

wherein the arbiter comprises an expert system that is one of rule based, model based, and knowledge based. (see Kadowaki, column 18, lines 39-46; the examiner interprets acquiring the network address of a personalization server as a part of user ID

Art Unit: 2174

information as performing rule-base analysis)

Kadowaki does not teach actively selecting, by analysis of the at least one profile element, a personalization engine from a plurality of personalization engines by the arbiter, the arbiter refining and altering a selection based on a number and type of the profile element.

Forecast pro teaches actively selecting, by analysis of the at least one profile element, a personalization engine from a plurality of personalization engines by the arbiter (see item 1: "The built-in expert selection system analyzes your data, selects the appropriate forecasting technique, builds the model and calculates the forecasts..."),

the arbiter refining and altering a selection based on a number and type of the profile element (see item 2: "Simple Methods - For very short and extremely volatile data, Forecast Pro includes moving average models"; see item 3: "Low Volume Models Croston's Intermittent Demand model and discrete data models are provided to accommodate low volume and "sparse" data..."; the Examiner interprets "very short" and "low volume" data as a number of the profile element, and "extremely volatile data" and "sparse" as a type of the profile element).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Forecast Pro with the method of Kadowaki in order to provide more relevant results to a user.

However, they fail to teach request object excluding any profile elements to an input logic;

Receiving the request object and accessing a profile database through a profile database proxy, the profile database containing profile elements that are known to a server but originally excluded from the request object the profile elements including a user name, network ID, and user interaction history; Incorporation the request object with relevant profile elements of the profile elements found in the profile database;

Perkins teaches request object excluding any profile elements to an input logic;

Receiving the request object and accessing a profile database through a profile database proxy, the profile database containing profile elements that are known to a server but originally excluded from the request object the profile elements including a user name, network ID, and user interaction history; Incorporation the request object with relevant profile elements of the profile elements found in the profile database; (see Perkins, col. 5 ,lines 30-col. 7, lines 70)

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Perkin with method of Forecast Pro and Kadowaki in order to enhance a search engine's ability create a database of resource and rank the resources by relevance in response to a particular user query.

As per claim 24, Kadowaki, Forecast Pro, and Perkins teach the method of claim 21. Kadowaki further teaches the method comprising sending the request object over a communication network. (see Kadowaki, column 2, lines 25-30; The requested image object is sent from the server to the client through the communication network)

As per claim 28, Kadowaki, Forecast Pro, and Perkins teach the method of claim 21. Kadowaki further teaches the method comprising the arbiter analyzing at least one of a date of the request object, a user identity, a user shopping history, and a user usage path. (see Kadowaki, column 18, lines 39 – 46; User id is a user identity)

As per claim 29, Kadowaki teaches apparatus for tailoring information to characteristics of an information user, the apparatus comprising:

an arbiter for accepting and analyzing a request object; (see Kadowaki, column 18, lines 38 - 61; the examiner interprets the printer controller as an arbiter because it directs personalization information to a personalization server)

a plurality of personalization engines for selecting at least one personalized content object from a content database; (see Kadowaki, column 15, lines 41-45; the printer controller, which is a part of the a personalizing server, correlates the user ID information with the personalizing information from a plurality of the personalizing information) wherein the plurality of personalization engines are a collaborative filtering engine that provides an optimal performance when information is know about a group of users, (see Kadowaki col. (see Kadowaki, col. 13, lines 35-col. 14, lines 7) the predictive-modeling personalization engine provides an optimal performance when a user is unknown (see Kadowaki, col. 11, lines 25-50, unknown user's default setting is the predictive-modeling) and the business-rules engine provides an optimal performance

Art Unit: 2174

when the personalization engine needs to change in response to one or more changing circumstance (Kadowaki, col. 13, lines 40-10; selection between personal information and common information is optimalization; column 15, lines 41-45; the printer controller, which is a part of the a personalizing server, correlates the user ID information with the personalizing information from a plurality of the personalizing information);

the arbiter selecting a personalization engine from the plurality of personalization engines, (see Kadowaki, column 18, lines 38 – 44; The server and the controller select user profile from a plurality of the profiles)and the selected personalization engine selects the at least one personalization content object from the content database; (see Kadowaki, column 18, lines 62 - 67, and column 19, lines 1 – 11; The server and the controller passed and retrieved user profile based on user id).

the arbiter passing the personalized content object to an application program, (see Kadowaki, column 19, lines 1-3; The personal server and the controller, which are application programs, passes the user personalization information to each other)

wherein the arbiter comprises an expert system that is one of rule based, model based, and knowledge based. (see Kadowaki, column 18, lines 39-46; the examiner interprets acquiring the network address of a personalization server as a part of user ID information as performing rule-base analysis)

Kadowaki does not teach the arbiter refining and altering a selection based on a number and type of at least one profile element wherein the arbiter selects a personalization engine from the plurality of personalization engines by analysis of the at least one profile element.

Forecast pro teaches the arbiter refining and altering a selection based on a number and type of at least one profile element contained in the request object wherein the arbiter selects a personalization engine from the plurality of personalization engines by analysis of the at least one profile element ("The built-in expert selection system analyzes your data, selects the appropriate forecasting technique, builds the model and calculates the forecasts"; "Simple Methods - For very short and extremely volatile data, Forecast Pro includes moving average models"; "Low Volume Models - Croston's Intermittent Demand model and discrete data models are provided to accommodate low volume and 'sparse' data... "; the Examiner interprets the "expert system" as an arbiter, user data as at least one profile element, "very short" and "low volume" data as a number of the profile element, and "extremely volatile data" and "sparse" as a type of the profile element).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Forecast Pro with the method of Kadowaki in order to provide more relevant results to a user. However, they fail to teach request object excluding any profile elements to an input logic;

Receiving the request object and accessing a profile database through a profile database proxy, the profile database containing profile elements that are known to a

Art Unit: 2174

server but originally excluded from the request object the profile elements including a user name, network ID, and user interaction history; Incorporation the request object with relevant profile elements of the profile elements found in the profile database;

Perkins teaches request object excluding any profile elements to an input logic;

Receiving the request object and accessing a profile database through a profile database proxy, the profile database containing profile elements that are known to a server but originally excluded from the request object the profile elements including a user name, network ID, and user interaction history; Incorporation the request object with relevant profile elements of the profile elements found in the profile database; (see Perkins, col. 5 ,lines 30-col. 7, lines 70)

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Perkin with method of Forecast Pro and Kadowaki in order to enhance a search engine's ability create a database of resource and rank the resources by relevance in response to a particular user query.

As per claim 30, Kadowaki, Forecast Pro, and Perkins teach the apparatus of claim 29. Kadowaki further teaches the apparatus comprising output logic for passing the at least one personalization content object to an application program over a communication network. (see Kadowaki column 2, lines 25 - 30 and column 19, lines 1 - 3; it is inherent that the printer controller is an application program)

As per claim 33, Kadowaki, Forecast Pro, and Perkins teach the apparatus of claim 29. Kadowaki further teaches wherein the arbiter is configured to receive a request

Art Unit: 2174

object from a user (see Kadowaki, column 3, lines 5 – 6: Server and the controller receives user's request for image object) and a profile element from a profile database. (see Kadowaki, column 19, lines 1 – 3; User profiles is selected from a plurality of profiles).

As per claim 34, which is dependent on claim 29, it is rejected under the same scope as claim 28. Supra.

Claims 22, 31, 32 and 35-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kadowaki US Patent 6,313,921, Forecast Pro, in view of Jacobi US Patent 6,064,980 further in view of Perkins US 7,072,888

As per claim 22, Kadowaki, Forecast Pro, and Perkins teach the method of claim 21. Kadowaki and Forecast Pro fail to teach the method comprising using the arbiter for on-line shopping.

Jacobi teaches using the arbiter for on-line shopping. (see Jacobi column 3, lines 15-35 and column 7, lines 50-56; allowing user to order book over the internet from an online catalog)

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Jacobi with the method of Kadowaki, Forecast Pro, and Perkin in order to provide online shipping recommendations to the user.

As per claim 31, Kadowaki, Forecast Pro, Perkin and Jacobi teach the apparatus of claim 30. Jacobi further teaches wherein the communication network is the Internet (see Jacobi; '980, column 2, lines 55-65; ordering item through an online catalog, wherein the communication network is inherently a internet.)

As per claim 32, Kadowaki, Forecast Pro, Perkin and Jacobi teach the apparatus of claim 30. Jacobi further teaches wherein the application program is a web browser. (see Jacobi, column 4, lines 25-35; HTML-compliant browser program is a web browser)

As per claim 35, Kadowaki teaches a method for tailoring information delivered to a user, comprising:

wherein the arbiter comprises an expert system that is one of rule based, model based, and knowledge based. (see Kadowaki, column 18, lines 39-46; the examiner interprets acquiring the network address of a personalization server as a part of user ID information as performing rule-base analysis)

wherein the plurality of personalization engines are a collaborative filtering engine that provides an optimal performance when information is know about a group of users, (see Kadowaki col. (see Kadowaki, col. 13, lines 35-col. 14, lines 7) the predictive-

Art Unit: 2174

modeling personalization engine provides an optimal performance when a user is unknown (see Kadowaki, col. 11, lines 25-50, unknown user's default setting is the predictive-modeling) and the business-rules engine provides an optimal performance when the personalization engine needs to change in response to one or more changing circumstance (Kadowaki, col. 13, lines 40-10; selection between personal information and common information is optimization; column 15, lines 41-45; the printer controller, which is a part of the a personalizing server, correlates the user ID information with the personalizing information from a plurality of the personalizing information);

However, Kadowaki fails to teach
selecting with an arbiter a personalization engine by analysis of at least one profile element;

selecting with the personalization engine a personalized content object to tailor information provided to the user; and

Forecast Pro teaches
selecting with an arbiter a personalization engine by analysis of at least one profile element; selecting with the personalization engine a personalized content object to tailor
information provided to the user; (see item 1: "The built-in expert selection system analyzes your data, selects the appropriate forecasting technique, builds the model and

Art Unit: 2174

calculates the forecasts"; the Examiner interprets the "expert system" as an arbiter, user data as at least one profile element) and

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Forecast Pro with the method of Kadowaki in order to provide more relevant results to a user.

However, both Kadowaki and Forecast Pro fail to teach using the arbiter for on-line shopping.

Jacobi teaches using the arbiter for on-line shopping. (see Jacobi column 3, lines 15-35 and column 7, lines 50-56; allowing user to order book over the internet from an online catalog)

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Jacobi with the method of Kadowaki and Forecast Pro in order to provide online shipping recommendations to the user.

However, they fail to teach request object excluding any profile elements to an input logic;

Receiving the request object and accessing a profile database through a profile database proxy, the profile database containing profile elements that are known to a server but originally excluded from the request object the profile elements including a

Art Unit: 2174

user name, network ID, and user interaction history; Incorporation the request object with relevant profile elements of the profile elements found in the profile database;

Perkins teaches request object excluding any profile elements to an input logic;

Receiving the request object and accessing a profile database through a profile database proxy, the profile database containing profile elements that are known to a server but originally excluded from the request object the profile elements including a user name, network ID, and user interaction history; Incorporation the request object with relevant profile elements of the profile elements found in the profile database; (see Perkins, col. 5 ,lines 30-col. 7, lines 70)

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Perkin with method of Forecast Pro, Kadowaki, and Jacobi in order to enhance a search engine's ability create a database of resource and rank the resources by relevance in response to a particular user query.

As per claim 36, Kadowaki, Forecast Pro, Jacobi, Perkins teach the method of claim 35. Forecast Pro further teaches method comprising the arbiter receiving a request object from a user, and sending the selected personalized content object to the user's application program. (see item 1: "The built-in expert selection system analyzes your data, selects the appropriate forecasting technique, builds the model and calculates the forecasts"; and item 4: "A few more clicks and you've ... output your forecasts to a spreadsheet, ASCII file or ODBC compliant database")

Art Unit: 2174

As per claim 37, Kadowaki, Forecast Pro, Jacobi, Perkins teach the method of claim 36. wherein the application program is a web browser. (see Jacobi, column 4, lines 25-35; HTML-compliant browser program is a web browser)

As per claim 38, Kadowaki, Forecast Pro, Jacobi, Perkins teach the method of claim 35. Kadowaki further teaches method comprising the arbiter receiving a profile element (see Kadowaki, column 3, lines 5-6; Server and the controller receives user's request for image object) from a profile database. (see Kadowaki, column 19, lines 1-3 User profiles is selected from a plurality of profiles)

As per claim 39, Kadowaki, Forecast Pro, Jacobi, Perkins teach the method of claim 35. Kadowaki further teaches the method comprising sending the request object over a communication network. (see Kadowaki, column 2, lines 25-30)

As per claim 40, Kadowaki, Forecast Pro, Jacobi, Perkins teach the method of claim 39. Jacobi teaches wherein the communication network is the Internet. (see Jacobi; '980, column 2, lines 55-65; ordering item through an online catalog, wherein the communication network is inherently a internet.)

As per claim 41, Kadowaki Forecast Pro, and Perkins teaches method of claim 21, but they fail to teach the using the arbiter for online shopping, where the application program is a web browser, wherein the request object is a HTTP message and contains data regarding characteristics of user.

Art Unit: 2174

Jacobi teaches using the arbiter for online shopping, where the application program is a web browser, wherein the request object is a HTTP message and contains data regarding characteristics of user. (see Jacobi column 3, lines 15-35 and column 7, lines 50-56; allowing user to order book over the internet from an online catalog; see Jacobi, column 4, lines 25-35; HTML-compliant browser program is a web browse)

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Jacobi with the method of Kadowaki and Forecast Pro in order to provide online shipping recommendations to the user.

As per claim 42, Kadowaki, Forecast Pro, Jacobi, and Perkin teach the method of claim 41, Kadowaki further teaches the request object is sent from the application to a server. (see Kurtzman, column 3, lines 32 - 37, and column 3, lines 60 - 67; it is taught that the user communicates to the web server via a web browser, and it is inherent that when the personalized content is delivered to the user it is viewed via said web browser).

As per claims 43 and 44, they are rejected under the same rationale as claims 41 and 42. Supra.

Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kadowaki US Patent 6,313,921, Forecast Pro, further in view of Perkins US 7,072,888, further in view of Jacobi et al., U.S. Patent No. 6,064,980 and Tetzlaff, U.S. Patent No. 6,556,963.

As per claim 27, Kadowaki, Forecast Pro, and Perkins teach the method of claim 21. They fail to teach wherein the plurality of personalization engines comprises at least two personalization engines selected from the group consisting of a rule-based personalization engine, a predictive-modeling personalization engine, and a collaborative filtering personalization engine.

Jacobi et al. teaches a collaborative filtering engine (see Jacobi et al., column 2, lines 18 - 21; the examiner interprets the recommendation service as a personalization engine because it uses collaborative filtering using particular user information to recommend items to users).

Tetzlaff teaches a rule-based personalization engine (see Tetzlaff, column 2, lines 22 - 27; the examiner interprets the feedback generator as a personalization engine because it uses rule-based protocol to give feedback to a user depending on a particular user model).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the personalization engines as taught by Jacobi et al. and Tetzlaff with the method of Kadowaki and Forecast Pro in order to provide more flexible means of personalization.

Claims 23 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kadowaki US Patent 6,313,921, Forecast Pro, further in view of Perkins US 7,072,888 further in view of Kurtzman, U.S. Patent No. 6,044,376.

Art Unit: 2174

As per claim 23, Kadowaki, Forecast Pro, and Perkins teach the method of claim 21. However, they fail to teach wherein the application program is a web browser.

Kurtzman teaches the method wherein the application program is a web browser. (see Kurtzman, column 3, lines 32 - 37, and column 3, lines 60 - 67; it is taught that the user communicates to the web server via a web browser, and it is inherent that when the personalized content is delivered to the user it is viewed via said web browser).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method taught by Kurtzman with the method taught by Kadowaki and Forecast Pro to provide a more sophisticated profiling technique for use in a web browser.

As per claim 25, Kadowaki, Forecast Pro, and Perkins teach the method of claim 24. They fail to teach wherein the communication network is the Internet.

Kurtzman teaches the method wherein the communication network is the internet. (see Kurtzman, column 3, lines 32-37, and (see Kurtzman,, column 3, lines 32 - 37, and column 3, lines 60 - 67). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method taught by Kurtzman with the method taught by Kadowaki and Forecast Pro to provide access to remote users of the system.

Response to Arguments

Applicant's arguments filed 12/30/08 have been fully considered but they are not persuasive.

Applicant's arguments focused on the following:

A) Whether is obvious to combin Kadowaki, Forecast Pro, and Perkins?

A) "Section 103 forbids issuance of a patent when 'the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.'" *KSR Int'l Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 1734 (2007).

In *KSR*, the Supreme Court emphasized "the need for caution in granting a patent based on the combination of elements found in the prior art," *Id.* at 1739, and discussed circumstances in which a patent might be determined to be obvious. *KSR*, 127 S. Ct. at 1739 (citing *Graham v. John Deere Co.*, 383 U.S. 1, 12 (1966)). The Court reaffirmed principles based on its precedent that "[t]he combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results." *Id.* The operative question in this "functional approach" is thus "whether the improvement is more than the predictable use of prior art elements according to their established functions." *Id.* at 1740.

The Federal Circuit recently recognized that "[a]n obviousness determination is not the result of a rigid formula disassociated from the consideration of the facts of a case. Indeed, the common sense of those skilled in the art demonstrates why some combinations would have been obvious where others would not." *Leapfrog Enters., Inc. v. Fisher-Price, Inc.*, 485 F.3d 1157, 1161 (Fed. Cir. 2007) (citing *KSR*, 127 S. Ct. 1727, 1739 (2007)). The Federal Circuit relied in part on the fact that Leapfrog had presented no evidence that the inclusion of a reader in the combined device was "uniquely

Art Unit: 2174

challenging or difficult for one of ordinary skill in the art" or "represented an unobvious step over the prior art." *Id.* (citing *KSR*, 127 S. Ct. at 1740-41).

In the present case, the combination of Kadowaki and Forecast Pro is obvious to one of ordinary skilled in the art because it is foreseeable for user to receive more relevant results by combining the two methods. Furthermore, it is foreseeable for user combination method of Kadowaki and Forecast Pro with Perkins because it allows enhance a search engine's ability create a database of resource and rank the resources by relevance in response to a particular user query

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SIMON KE whose telephone number is (571)272-4062. The examiner can normally be reached on M-Th and Alternate Fridays 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dennis Chow can be reached on (571) 272-7767. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Peng Ke
/Peng Ke/
Primary Examiner, Art Unit 2174